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## **KENNEDY ON DeMINT MINIMUM WAGE AMENDMENT**

### **(AS PREPARED FOR DELIVERY)**

In taking up the DeMint Amendment, it's critically important that we all understand what's really going on here. Let's call this what it is – it's a hoax. This amendment is a poison pill. It serves no legitimate legislative purpose other than to take a political stab at Members from those states with the foresight to raise their minimum wages above the federal level in response to almost a decade of federal inaction.

This amendment would further raise the federal minimum wage in states that have already passed such wages on their own initiative. It was intended to give Senators in high minimum wage states an uncomfortable vote today – not to raise wages for hardworking Americans. It's shameful to play such political games with an issue that means so much to working Americans. The minimum wage should be about protecting workers' lives, not scoring political points.

Even if this amendment were offered in all seriousness – even if Senator DeMint, who has never once, in his history in the House and the Senate, voted for a real increase in the minimum wage, and who just yesterday voted to repeal the federal minimum wage – even if Senator DeMint has had a genuine change of heart, responsible Senators still could not support this amendment. It reflects a fundamental misunderstanding of what the Fair Labor Standards Act is, and what it was intended to do.

When Congress passed the Fair Labor Standards Act in 1938 the goal was to establish minimum federal standards. These standards were intended to address serious problems facing the nation that were caused by the “race to the bottom” among unscrupulous employers – child labor, abusive hours, and starvation wages.

The federal minimum wage was created as a wage floor.

As Representative Kent Keller explained during those original debates, the wage was intended to be a “minimum standard below which labor cannot be compelled to work and live.”

This floor has always been a uniform floor for all states. It reflects our shared recognition, as a nation, that there is a wage below which no one should have to work in a just society. The minimum wage that we pay our workers is a reflection of our fundamental values. Right now, that floor is too low, and it doesn't reflect our values. The vast majority of Americans want this Congress to raise it, and we should do so as soon as possible.

However, the framers of the FLSA clearly intended that states have a role as well. States have always been free to pass stronger laws for their workers, and many have done so over the years. Twenty-nine states and the District of Columbia have all passed minimum wages above the federal level, often through a direct vote of the public by ballot initiative.

In fact, we had six such ballot initiatives pass last fall, giving more than a million workers a raise on January first of this year. And more than 140 cities across the country that have passed local living wage ordinances as well.

These states and localities have made a judgment that they want a wage higher than the federal floor. It is an informed judgment about the cost of living a decent life in their area of the country. Senator

DeMint's amendment would second-guess that judgment, even in states that voted on the issue just a few short months ago. It would tell these millions of voters across the country that they were wrong in the judgment they made when they went to the ballot box. This Congress has too many other important priorities to spend its time overruling local decisions. Our national wage floor is a national issue – how states and localities should respond to local costs of living is a local issue, and should be left as such.

We need to get back to talking about a real minimum wage proposal. Not a political dodge that's intended merely to waste this Congress's time.

I fully support a fair increase in federal minimum wage. I fully support those states and localities that have decided to go further than the federal level. I do not support Senator DeMint's amendment, and I urge my colleagues to vote against it.